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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,281	01/25/2002	Martin J. Stinson	STINSON.1118	1878

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CARLSBAD, CA 92009

EXAMINER

WALSH, JOHN B

ART UNIT	PAPER NUMBER
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3676

DATE MAILED: 06/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/057,281

Applicant(s)

STINSON, MARTIN J.

Examiner

John B. Walsh

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 9, 11, 13-17, 22 and 24 is/are rejected.
- 7) ☒ Claim(s) 5-8, 10, 12, 18-21 and 23 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received:
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claim 11 is objected to because of the following informalities: It appears that "at" on line 2 should be deleted. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 9 recites the limitation "the combination". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 4, 13, 14, 17 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,063,520 to Parsons.

Parsons '520 discloses a safe (32; column 4, line 7); a depository cabinet (upper portion of 40); a pivotally mounted lockable door (50); an opening (opening defined by chute 36) in said safe and cabinet in vertical communication with each other; deposit handling means including a

Art Unit: 3676

deposit plate (66) and a deposit actuator (98); means for preventing said cabinet door from being reopened until another unlocking combination is inputted (44; key unlocks combination of tumblers).

As concerns claims 4 and 17, anti-theft baffle means (36).

As concerns claims 13 and 24, an outside rim (41) on said cabinet door.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2, 3, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,063,520 to Parsons as applied to claims 1 and 14 above in view of U.S. Patent No. 6,298,699 to Gartner et al.

Parsons '520 does not explicitly disclose an electric pushbutton lock that comprises a memory capable of recording date, time and access code.

Gartner et al. '699 teaches an electric pushbutton lock (18) that comprises memory (column 5, lines 33-35; memory inherently has the capability of storing date, time and access code).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the cabinet of Parsons '520 with an electronic lock, as taught by Gartner et al. '699, in order to provide a more secure lock that is harder to tamper with.

Art Unit: 3676

8. Claim 9, as best understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,063,520 to Parsons as applied to claim 1 above in view of U.S. Patent No. 5,137,212 to Fiterman et al.

Parsons '520 does not explicitly disclose the safe door and cabinet door mounted on the same side of the lock.

Fiterman et al. '212 disclose a safe door and a cabinet door mounted on the same side of a lock.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the cabinet-safe of Parsons '520 with doors on the same side, as taught by Fiterman et al. '212, in order to provide easier access for personal collecting deposits from the safe.

9. Claims 11 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,063,520 to Parsons as applied to claims 1 and 14 above in view of U.S. Patent No. 6,561,339 to Olson et al.

Parsons '520 does not explicitly disclose means for creating an electric curtain.

Olson et al. '339 teach a sensor (column 8, line 27) to detect when an article has reached a certain position.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the cabinet of Parsons '520 with a sensor, as taught by Olson et al., in order to provide information to determine the cabinet-safe is operating correctly.

Art Unit: 3676

Allowable Subject Matter

10. Claims 5-8, 10, 12, 18-21 and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

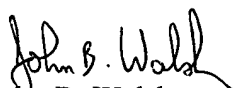
Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John B. Walsh whose telephone number is 703-305-0444. The examiner can normally be reached on Monday-Friday from 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 703-308-3179. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-872-9325.


John B. Walsh
Patent Examiner
Technology Center 3670

June 11, 2003